

MAR 15 2017

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NO FEE – GOV'T CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

JULIA MAUD GRIFFITH (also known as JULIA M.
GRIFFITH), an Individual; AARON NOVEL
WATSON, an Individual; and DOES 1 through 100,
inclusive,
Defendants.

Case No.

BC 654008

COMPLAINT FOR ABATEMENT,
INJUNCTION, EQUITABLE RELIEF,
AND CIVIL PENALTIES

[HEALTH & SAFETY CODE
SECTION 11570, ET SEQ.; PENAL
CODE SECTION 3479, ET SEQ.]

(Unlimited Action)

1 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:
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3 INTRODUCTION
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5 1. This action is brought and prosecuted by the People of the State of California ("People")
6 for the purpose of enjoining, abating and preventing a nuisance as defined in Health and Safety Code
7 section 11570, et seq. (the "Narcotics Abatement Law") existing on the premises located at 900 East 24th
8 Street, Los Angeles, California, 90011 (the "Property"). Defendant JULIA MAUD GRIFFITH (also
9 known as JULIA M. GRIFFITH), an individual and DOES 1 through 50, ("OWNER DEFENDANTS")
10 own the Property. Defendant AARON NOVEL WATSON, an individual and DOES 51 through 100,
11 ("DEALER DEFENDANTS") sell, permit and/or facilitate the sales and/or distribution of narcotics at
12 the Property. OWNER DEFENDANTS and DEALER DEFENDANTS hereinafter are referred
13 collectively as "DEFENDANTS".

14 2. Health and Safety Code section 11570 defines a nuisance as a building or place used for
15 the purposes of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any
16 controlled substance. Health and Safety Code section 11571 authorizes a City Attorney to maintain an
17 action to abate and prevent the nuisance and to perpetually enjoin the person(s) conducting or
18 maintaining the nuisance and the owner, lessee, or agent of the building or place in or upon which the
19 nuisance exists from directly or indirectly maintaining or permitting the nuisance. Further, under Civil
20 Code sections 3479 anything which is injurious to health, including, but not limited to, the illegal sale of
21 controlled substances, so as to interfere with the comfortable enjoyment of life or property, is a
22 nuisance.

23 3. The People assert their power to remedy these injuries to the public interest by seeking to
24 enjoin all DEFENDANTS' future violations of law and to assess civil penalties and costs including, and
25 not limited to, law enforcement investigative costs, attorney fees and Court costs against all
26 DEFENDANTS for past violations of law under these provisions.

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GENERAL ALLEGATIONS

The Parties

4. Plaintiff, the People of the State of California, acting through the Los Angeles City Attorney, Michael N. Feuer, brings this action pursuant to the authority granted by Health and Safety Code section 11570, et seq. and Code of Civil Procedure section 731.

5. At all relevant times, Defendant JULIA MAUD GRIFFITH (also known as JULIA M. GRIFFITH), an individual was and is the owner of the Property and at all times mentioned herein has acted in such a capacity. Defendant JULIA MAUD GRIFFITH (also known as JULIA M. GRIFFITH), as the owner of the Property and, as such, directly or indirectly maintains and permits the nuisance to exist at the Property.

6. Defendant AARON NOVEL WATSON, an individual is and was involved in the sale and/or distribution of narcotics at the Property. Defendant AARON NOVEL WATSON by selling, permitting, and/or facilitating the sale and/or distribution of narcotics at the Property is also responsible for conducting and maintaining the nuisance alleged herein, thereby violating the Narcotics Abatement Act.

7. Plaintiff is ignorant of the true names and capacities of Defendant DOES 1 through 100, inclusive, and as such, sues these defendants by such fictitious names pursuant to Section 474 of the California Code of Civil Procedure. Each such defendant is responsible in some manner for conducting, maintaining, or directly or indirectly permitting the unlawful activity complained of herein. When the true names and capacities of said defendants have been ascertained, Plaintiff will ask leave of the court to amend this complaint and to insert in lieu of such fictitious names the true names and capacities of any fictitiously named defendants.

8. At all relevant times mentioned herein, all defendants were and are agents, lessors, lessees, servants, employees, partners and/or joint venturers of each other defendant, and at all times were acting within the course and scope of said relationship and with the consent of each of their co-defendants.

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The Property

9. The Property, legally described as a single family home, located at 900 East 24th Street, Los Angeles, California, 90011 (the "Property"). The Property is located on the south side of 24th Street on the southeast corner of East 24th Street and Stanford Avenue in South Central Los Angeles. The Property is more specifically described as: "Lot 1 in Block 'C' of Menlo Park Subdivision No. 1, in the city of Los Angeles, as per map recorded in Book 59 Page 63 of Maps, in the office of the county recorder of said county." Assessors Parcel Number: 5131-022-001. The Property is approximately one block away from the Second Baptist Church, a historic site and cultural landmark in South Central Los Angeles.

Jurisdiction and Venue

10. Each of the acts and practices alleged herein were performed by DEFENDANTS, in whole or in part, in the City of Los Angeles.

11. The Property that is the subject of this action is located in the City of Los Angeles.

Narcotics and Nuisance Activity at the Property

12. Since at least September 2014, the Property has been used for the purpose of unlawful sales of controlled substances, namely heroin. Since at least September 2014, Los Angeles Police Department ("LAPD") officers have made several arrests for narcotics related activity at the Property or directly-related to the Property. In addition, since September 2014, LAPD officers have executed search warrants and recovered narcotics at the Property.

FIRST CAUSE OF ACTION

FOR VIOLATIONS OF THE NARCOTICS ABATEMENT LAW

(Health and Safety Code, § 11570, et seq.)

[Against All Defendants and

DOES 1 through 100]

13. Plaintiff hereby incorporates by reference paragraphs 1 through 12 of this Complaint and makes them part of this First Cause of Action, as if fully set forth herein.

14. The abatement of a nuisance is a long established and well-recognized exercise of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel. Hicks v. Sarong*

1 *Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the principal purpose of the
2 Narcotics Abatement Act (Health & Safety Code, § 11570, et seq.) is the abatement of buildings and
3 places “used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving
4 away any controlled substance, precursor, or analog specified in this division . . .” (Health & Safety
5 Code, § 11570).

6 15. The Narcotics Abatement Law provides that every building or place used for the purpose
7 of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
8 “is a nuisance which **shall** be enjoined, abated, and prevented . . . whether it is a public or private
9 nuisance.” (Health & Safety Code, § 11570 [emphasis added].)

10 16. Health and Safety Code section 11571, authorizes a city attorney to bring an action to
11 abate, prevent and perpetually enjoin such nuisances. It provides in relevant part: “Whenever there is
12 reason to believe that a nuisance as described in Section 11570, is kept, maintained, or exists in any
13 county, the district attorney of the county, or the city attorney of any incorporated city or of any city and
14 county, in the name of the people, may . . . maintain an action to abate and prevent the nuisance and
15 perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the
16 building or place in or upon which the nuisance exists from directly or indirectly maintaining or
17 permitting the nuisance.”

18 17. Health and Safety Code section 11573(a) provides that: “If the existence of the nuisance
19 is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit,
20 the court or judge **shall** allow a temporary restraining order or injunction to abate and prevent the
21 continuance or recurrence of the nuisance.” (Emphasis added.)

22 18. The Property was, and is, being used, from an exact date unknown, but at least since
23 September 2014, for the purposes of unlawfully selling, serving, storing, keeping, manufacturing or
24 giving away controlled substances and is a building or place wherein or upon which those acts take
25 place.

26 19. From an exact date unknown, but at least since September 2014, Defendants JULIA
27 MAUD GRIFFITH (also known as JULIA M. GRIFFITH), AARON NOVEL WATSON, and DOES 1
28 through 100 have operated, maintained, directly or indirectly permitted and/or used the Property for the

1 purposes of unlawfully selling, serving, storing, keeping, manufacturing and/or giving away controlled
2 substances in violation of Health and Safety Code section 11570, et seq.

3 20. DEFENDANTS and each of them, are the owners, operators, lessors, or lessees of the
4 fixtures and appurtenances contained within the Property and said fixtures and appurtenances were used,
5 and are presently being used, directly or indirectly, by all DEFENDANTS in conducting, maintaining
6 and/or permitting the use of the Property, including its grounds, buildings and premises, for narcotics
7 activity.

8 21. Plaintiff has no adequate remedy at law, and unless DEFENDANTS are restrained and
9 enjoined by order of this Court, they will continue to use, occupy, maintain, and permit the Property,
10 together with the fixtures and appurtenances located therein, for the purpose of selling, storing,
11 distributing or giving away a controlled substance, to wit, cocaine and heroin, and they will continue to
12 allow, permit and encourage this nuisance on the premises, to the irreparable damage of the public.

13 **SECOND CAUSE OF ACTION**
14 **FOR VIOLATIONS OF THE PUBLIC NUISANCE LAW**
15 **(Civ. Code, § 3479 et seq.)**
16 **[Against All Defendants and**
17 **DOES 1 through 100]**

18 22. Plaintiff hereby incorporates by reference paragraphs 1 through 21 of this Complaint and
19 makes them part of this Second Cause of Action, as if fully set forth herein.

20 23. On a continuous and ongoing basis, from an exact date unknown, but since at least
21 December 2011, until the present time, DEFENDANTS have operated, occupied, used and/or permitted
22 to be occupied and used the Property in such a manner as to constitute a public nuisance in violation of
23 Civil Code sections 3479 and 3480. Said public nuisance, described herein is injurious to health,
24 indecent or offensive to the senses and/or an obstruction to the free use of the property, so as to
25 substantially and unreasonably interfere with the comfortable enjoyment of life or property of persons in
26 the surrounding community. Besides the overt narcotic sales and narcotics use at the location, the
27 documented nuisance activity at the Property includes criminal threats, batteries, and assaults, including
28 assaults with a deadly weapon.

24. DEFENDANTS in owning, conducting, maintaining and/or permitting the use of the Property as a public nuisance, have engaged in wrongful conduct and caused a serious threat to the general health, safety and welfare of Plaintiff.

25. Plaintiff has no adequate remedy at law in that damages are insufficient to protect the public from the present danger and harm caused by the conditions described herein. Unless DEFENDANTS are restrained and enjoined by order of this Court, they will continue to use, occupy, maintain, and/or aid and abet the use, occupation and maintenance of the Property for the purpose complained of herein, to the great, irreparable damage of Plaintiff, to the City of Los Angeles, the local community near the Property, and in violation of California law.

PRAYER

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND DECREE AS FOLLOWS:

FIRST CAUSE OF ACTION (NARCOTICS NUISANCE)

1. That DEFENDANTS, and DOES 1 through 100, and the Property, including all buildings and structures thereon, be declared in violation of Health and Safety Code section 11570, et seq.

2. That the Property, together with the fixtures and moveable property therein and thereon, constitutes a public nuisance and be permanently abated as such in accordance with Section 11581 of the California Health and Safety Code.

3. That the Court grant a temporary restraining order, preliminary injunction, permanent injunction and order of abatement in accordance with Section 11570, et seq. of the Health and Safety Code, enjoining and restraining all DEFENDANTS, and their agents, servants, employees, partners, principals, assigns, and all those acting in concert with, aiding and abetting, and/or participating with them from unlawfully selling, serving, storing, keeping, manufacturing, or giving away controlled substances on the Property.

4. That as part of the Judgment, an Order of Abatement be issued, and that the Property be closed for a period of one year, not to be used for any purpose, and be under the control and custody of the Court for said period of time, or, in the alternative, if deemed harmful to the community, that DEFENDANTS, and DOES 1 through 100, pay damages in an amount equal to the fair market rental

1 value of the Property for one year to the City of Los Angeles in accordance with Health and Safety Code
2 section 11581 subdivision (c)(1).

3 5. That pursuant to Health and Safety Code section 11581 all fixtures and moveable
4 property used in conducting, maintaining, aiding or abetting the nuisance at the Property be removed by
5 the Los Angeles Police Department ("LAPD") or the appropriate agency and sold in the manner
6 provided for the sale of chattels under execution. Said fixtures and property shall be inventoried and a
7 list prepared and filed with this court.

8 6. That there shall be excepted from said sale, such property to which title is established in
9 some third party not a defendant, nor agent, officer, employee or servant of any defendant in this
10 proceeding.

11 7. That the proceeds from said sale be deposited with this court for payment of the fees and
12 costs of sale. Such costs may occur in closing said Property and keeping them closed, removal of said
13 property, and Plaintiff's costs in the action, including attorneys' fees, and such other costs as the court
14 shall deem proper.

15 8. That if the proceeds of the sale do not fully discharge all such costs, fees and allowances,
16 the Property shall also be sold under execution issued upon the order of the court or judge and the
17 proceeds of such sale shall be applied in a like manner.

18 9. That any excess monies remaining after payment of approved costs shall be delivered to
19 the owner of said Property. Ownership shall be established to the satisfaction of this court.

20 10. That pursuant to Health and Safety Code section 11573.5(f)(1)(H), Defendant JULIA
21 MAUD GRIFFITH (also known as JULIA M. GRIFFITH) be ordered to reside in the Property until the
22 nuisance is abated.

23 11. That the Court issue orders that Defendant AARON NOVEL WATSON and any
24 DEALER DEFENDANTS contributing to the nuisance activity and currently residing at the Property
25 move out and stay at least 1,000 feet away from the Property.

26 12. That the Court issue such orders in accordance with Health and Safety Code section
27 11573.5 to remedy the nuisance on the Property and enhance the abatement process, including but not
28 limited to, the appointment of a receiver, and remedial improvements to the Property and management

1 of the Property that will contribute towards abating the nuisance.

2 13. That Plaintiff recover the costs of this action, including law enforcement investigative
3 costs and any fees, including attorneys' fees, authorized by Civil Code section 3496(c) from all
4 DEFENDANTS in an amount not to exceed Seven Hundred and Fifty Thousand Dollars (\$750,000.00).

5 14. That pursuant to Health and Safety Code section 11581, DEFENDANTS, individually, be
6 assessed a civil penalty in an amount not to exceed \$25,000.00.

7 15. That Plaintiff recover the amount of the filing fees and the amount of the fee for the
8 service of process or notices which would have been paid but for Government Code section 6103.5,
9 designating it as such in an amount not to exceed \$10,000.00. The fees may, at the Court's discretion,
10 include the amount of the fees for certifying and preparing transcripts.

11 16. That Plaintiff be granted such other and further relief as the Court deems just and proper.

12 **SECOND CAUSE OF ACTION (PUBLIC NUISANCE LAW)**

13 17. That the Property, together with the fixtures and moveable property therein and thereon,
14 be declared a public nuisance and be permanently abated as such in accordance with Civil Code section
15 3491.

16 18. That DEFENDANTS, and their agents, employees and anyone acting on their behalf, and
17 their heirs and assignees, be perpetually enjoined from operating, conducting, using, occupying, or in
18 any way permitting the use of the Property as a public nuisance. Such orders should include, but not be
19 limited to, (1) physical and managerial improvements to the Property, and (2) that any DEALER
20 DEFENDANTS residing at the Property move out of and stay 1000 feet away from the Property and
21 such other orders as are appropriate to remedy the nuisance on the Property and enhance the abatement
22 process.

23 19. That the Court grant a temporary restraining order, preliminary injunction, permanent
24 injunction and order of abatement in accordance with California Civil Code section 3479, et seq.,
25 enjoining and restraining DEFENDANTS and their agents, employees and anyone acting on their
26 behalf, from unlawfully selling, serving, storing, keeping, manufacturing, or giving away controlled
27 substances on the Property.

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1 20. That Plaintiff be granted such other and further relief as the Court deems just and proper,
2 including closure and/or demolition of the Property.

3 21. That Plaintiff recovers the costs as may occur in abating said nuisance at the Property,
4 including and not limited to, the amount of the filing fees and the amount of the fees for the service of
5 process or notices which would have been paid but for Government Code section 6103.5, designating it
6 as such not to exceed \$500,000.00. The fees may, at the Court's discretion, include the amount of the
7 fees for certifying and preparing transcripts.

8 **ALL CAUSES OF ACTION**

9 22. That Plaintiff be granted such other and further relief as the Court deems just and proper.

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11 DATED: March 15, 2017

Respectfully submitted,

12 MICHAEL N. FEUER, City Attorney
13 JONATHAN CRISTALL, Managing Assistant City Attorney
14 LIORA FORMAN-ECHOLS, Asst. Superv. Deputy City Attorney

15
16 By: 

MARIA AGUILLON, Deputy City Attorney
Attorneys for Plaintiff, THE PEOPLE OF THE STATE
OF CALIFORNIA